

Appl. No. 09/612,697
Atty. Docket No. 6033CC
Response dated 2/23/05
Reply to Office Action of 12/23/04
Customer No. 27752

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REMARKS

Claims 9-24 are pending in the present application. No additional claims fee is ~~be~~^{is} to be due.

Claim 1 has been withdrawn as a result of an earlier restriction requirement.

Rejection Under 35 USC 112, First Paragraph

The Office Action rejects claims 9-24 under 35 USC §112, second paragraph, as ~~being~~ indefinite for failing to particularly point out and distinctly claim the subject matter ~~which~~ applicant regards as the invention. Applicant respectfully traverses this rejection.

The Office Action provides that it is unclear how the printer, perforator blade, and the chop off blade can move in the first direction of the sheet since it appears that the printer, perforator blade, and chop off blade have circular paths. Applicant submits that the claims are definite in the current form. With regard to claim 1, the printer and the blade each interact with the sheet moving in the first direction. The claim provides that the printer and the blade are movable relative to the sheet in the first direction. In one embodiment, described in the specification at page 13, lines 6 – 14, the interaction point of a blade forming lines of termination on the sheet is moved relative to the sheet to alter the spacing between the printed indicia and the lines of termination. In this embodiment, the blade follows a circular path and interacts periodically with the sheet in the first direction. The period may be adjusted by moving the blade relative to the sheet in the first direction. Adjusting the period moves the blade relative to the sheet in the first direction. The Office Action seeks to import limitations into the claims by restricting the motion of the printer, perforator blade and chop off blade to circular paths having fixed periods of rotation.

As a counter example, a blade affixed to the circumference of a roller rotating at a fixed rate equivalent to the rate of travel of the sheet, and interacting once per revolution with the moving sheet cannot move relative to the sheet in the first direction. In this example the blade will interact with the sheet after the passage of an amount of the sheet equivalent to the circumference of the roller. There will be no relative motion between the blade and the sheet in the first direction in which the sheet is moving.

The current claims distinctly claim elements movable with respect to the sheet in the first direction. The specification teaches at least one apparatus in which this motion occurs. The claims as written are definite and the rejection under 35 USC §112, second paragraph, should be reconsidered and withdrawn.

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Rejection Under 35 USC 102 Over Saindon (US 5,660,674)

The Office Action rejects claim 9, 10, and 24 under 35 USC §102(e) over Saindon (US 5,660,674) hereinafter the '674 patent. Applicant respectfully traverses this rejection. A proper rejection under 35 USC §102(e) requires that the cited reference teach or suggest each of the claim limitations. Applicant submits that the '674 patent does not teach or suggest each of the claimed limitations. Specifically, the '674 patent does not teach or suggest a printer or system adapted to apply indicia that is movable relative to the sheet in the direction of travel of the sheet. The '674 patent also fails to teach or suggest the claimed limitation that the path length between the printer and the blade remains substantially constant.

The Office Action analogizes the seal bars of the '674 patent to the printer or system adapted to apply indicia. In the '674 patent, the seal bars form a portion of a roller having a variable diameter. The diameter of the roller may be varied to alter the position of the seal bars and to effect a change in the position of the seal on the sheet. The change in position of the seal bar occurs in a direction perpendicular to the direction of travel of the sheet and there is no motion of the seal bar relative to the sheet in the direction of travel of the sheet. The reference does not teach or suggest all of the claimed limitations. The rejection under 35 USC §102(e) should be reconsidered and withdrawn.

As shown in Fig. 1 of the '674 patent, the path length of the sheet changes as the circumference of the sealing bar cylinder is adjusted. The reference indicates using dashed and solid lines the respective paths of the sheet at two sealing bar cylinder diameters. The '674 patent does not teach or suggest independently varying the velocity of the printer or the blade while maintaining a substantially constant path length between the two elements.

The reference does not teach or suggest each of the claimed limitations. The reference does not support a rejection under 35 USC §102. Applicants respectfully request that the rejection under 35 USC §102 be reconsidered and withdrawn.

Rejection Under 35 USC 103(a) Over Saindon in view of Fowler (US 5,795,280)

The Office Action rejects claims 11-17 under 35 USC §103(a) over the '674 patent in view of Fowler (US 5,795,280) hereinafter the '280 patent. Applicant respectfully traverses this rejection. As set forth above, the rejection of claim 9 should be reconsidered and withdrawn since the '674 patent does not teach or suggest all of the claimed limitations. The addition of the '280 patent does not cure the deficiencies of the '674 patent with respect to the claims. Therefore the combination of the '674 and '280 patents does not teach or suggest all of the claimed limitations. The rejection under 35 USC §103(a) of claims 11 – 17 should be reconsidered and withdrawn.

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Rejection Under 35 USC 103(a) Over McNeil (US 4,687,153) in view of Saindon.

The Office Action rejects claims 18-23 under 35 USC §103(a) over McNeil (US 4,687,153) hereinafter the '153 patent in view of the '674 patent. Applicant respectfully traverses this rejection. Applicant submits that as set forth above, the '674 patent does not teach or suggest a printer movable relative to the sheet in the direction of travel of the sheet. The addition of the McNeil reference does not cure the deficiencies of the '674 patent. The combination of references fails to teach or suggest all of the claimed limitations and therefore fails to establish a prima facie case of obviousness under 35 USC §103(a). Applicant respectfully requests that the rejection of claims 18-23 under 35 USC §103(a) be reconsidered and withdrawn.

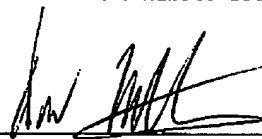
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §§ 102(e), 103(a), and 112. Early and favorable action in the case is respectfully requested.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

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